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Appl. No. 10/783,826
Reply to Final Office Action of August 25, 2006

REMARKS

Claims 1-6, 8, 10-13, 15-17, 19 and 21-25 are pending in the present application. Claims 1-6, 8, 15-17 and 19 are withdrawn. Reconsideration of this application and allowance of each of pending claims 1-6, 8, 10-13, 15-17, 19 and 21-25 are respectfully requested.

Claim Rejections under 35 U.S.C. § 102

The Action rejects and contends Claims 10-13, 22 and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,635,988 to Izumizawa et al. ("Izumizawa").

Claim 10 recites that a material layer comprises metal formed between a first electrode and a second electrode. Reconsideration and withdrawal of the rejections to Claim 10 are respectfully requested in view of the arguments set forth below.

Izumizawa is directed to an organic EL device. In Izumizawa's FIG. 8, anode 2 is formed over substrate 1. Organic substance 3 is formed over anode 2. Cathode 4 is formed over organic substance layer 3. Insulating layer 5 is formed, covering cathode 4. Moisture reaction layer 6, which is referred to as the material layer recited in Claim 10 is formed over the insulating layer 5. Preliminary moisture reaction layer 10 is formed, covering moisture reaction layer 6. Accordingly, moisture reaction layer 6 is formed over anode 2 and cathode 4, and not between two electrodes 2 and 4.

The Action refers to preliminary moisture reaction layer 10 shown in Izumizawa's FIG. 8 as the second electrode recited in Claim 10. In its conclusion, the Action states that moisture reaction layer 6 is formed between two electrodes, i.e., anode 2 and preliminary moisture reaction layer 10. Applicants respectfully disagree. Izumizawa states that preliminary moisture reaction layer 10 is provided so as to prevent intrusion of moisture into the organic EL structure (Lines 8-10, Col. 7). Clearly, preliminary moisture reaction layer 10 is **NOT** an electrode. If preliminary moisture reaction layer 10 were an electrode, i.e., a conductor, as referred to by the Action, preliminary moisture reaction layer 10 would be shorted with anode 2 as shown in Izumizawa's FIGS. 7 and 8. A short circuit between preliminary moisture reaction layer 10 and anode 2 must be prevented because it would destroy the functionality of

the organic EL device provided by Izumizawa (Col. 8, Lines 11-17). The Examiner cautions against this by indicating the moisture content of preliminary moisture reaction layer 10 should be controlled to prevent the preliminary moisture reaction layer 10 from acting as a conductor or by placing an insulator between the preliminary moisture reaction layer 10 and anode 2. Accordingly, preliminary moisture reaction layer 10 cannot be an electrode. Further, one of ordinary skill in the art would not characterize preliminary moisture reaction layer 10 as an electrode and therefore would not have been motivated to modify Izumizawa to achieve the features recited in Claim 10. Applicants submit that Claim 10 is not anticipated by Izumizawa for at least the reasons set forth above.

Claims 11-13, 22 and 23 depend from Claim 10 and, therefore, are also not anticipated by the art of record. The rejection of Claims 10-13, 22 and 23 under 35 U.S.C. § 102(e) as being anticipated by Izumizawa, should therefore be withdrawn.

Claim Rejections under 35 U.S.C. § 103

The Action also rejected Claims 10-13, 22, 24 and 25 under 35 U.S.C. § 103(a), contending that they are unpatentable over J.P. 2003-157970, A to Kobayashi et al. ("Kobayashi") in view of U.S. Patent No. 4,344,062 to Sudoh et al. ("Sudoh"). The Examiner contends that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the organic luminescence display device of Kobayashi, to include that the metal-containing layer of the moisture detector is formed between a first electrode and a second electrode. Applicants submit that one of ordinary skill in the art would not have been motivated to modify Kobayashi in view of Sudoh based on the argument set forth below.

Claim 10 recites that the moisture detector includes a material layer comprising metal formed between a first electrode and a second electrode. As conceded by the Action, Kobayashi fails to teach or suggest that the material layer comprising metal is formed between a first electrode and a second electrode. Indeed, Kobayashi uses indicator 50, i.e., an organic or inorganic material layer which produces a color change by absorbing moisture to determine a level of moisture in closure space 26 (Paragraphs [0012] and [0013]). Clearly, indicator 50 should not be covered by an electrode which is known to be formed of opaque conductive

materials, or the color change of indicator 50 cannot be visible through glass substrate 10 as shown in FIGS. 1(a), 2(a), 4(a), 5(a) and 6(a). If indicator 50, i.e. the inorganic material layer, is formed between two opaque electrodes, the electrodes will block the color change of the inorganic material layer to users. In other words, the alleged formation of the material layer between two electrodes will ruin the function of indictor 50 provided in an OLED display. Applicants submit that one of ordinary skill in the art would therefore not have been motivated to modify Kobayashi's device to form indicator 50, i.e., the material layer, between two electrodes.

The Examiner also contends that one of ordinary skill in the art would have been motivated to modify Kobayashi's device in view of Sudoh for the benefit of low manufacturing costs. Applicants respectfully disagree. Kobayashi only uses an organic or inorganic material layer as indicator 50, which is disposed laterally adjacent to the electrodes to provide visibility. If indicator 50 is formed between two electrodes, additional, complicated processing steps are required to sequentially form the first electrode/material layer/second electrode structure and to etch the structure. Accordingly, the costs of forming indicator 50 between two electrodes will be increased, instead of being reduced. Based on these reasons, one of ordinary skill in the art would not have been motivated to form indictor 50 between two electrodes as shown in Sudoh, in order to save costs. Accordingly, Claim 10 is not obvious over the combined teachings of Kobayashi and Sudoh and is, therefore, allowable for at least the reasons set forth above.

Claims 11-13 and 22-25 depend from Claim 10 and are, therefore, also allowable for at least the reasons set forth above in connection with Claim 10.

The Action also rejects Claim 21 under 35 U.S.C. § 103(a), contending that Claim 21 is unpatentable over Izumizawa in view of the Examiner's comments that the light transmissivity of the moisture detector varies with the moisture level of the environment. As argued above in connection with Claim 10, one of ordinary skill in the art would not have been motivated to form preliminary moisture reaction layer 10 taught by Izumizawa between two electrodes in view of Izumizawa's drawings or descriptions and the Examiner's comments do not make up of the above-stated deficiencies of Izumizawa. Since Claim 21 depends from

Claim 10, which is distinguished from Izumizawa, and since the Examiner's comments do not make up for the above-stated deficiencies of Izumizawa. Applicants submit that Claim 21 is not obvious over the art of record and is, therefore, allowable for at least reasons set forth above in connection with Claim 10.

Based on the arguments set forth above, Claims 10-13 and 21-25 are patentable over the art of record. Reconsideration and withdrawal of the rejections, and allowance of Claims 10-13 and 21-25 are respectfully requested.

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Conclusion

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679.**

Respectfully submitted,

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